



THE PROTECTION AND ADVOCACY SYSTEM FOR INDIANA
FALL 2008 • VOLUME 36

PRIORITIES AND OBJECTIVES FOR FISCAL YEAR 2009

OCTOBER 1, 2008 THROUGH
SEPTEMBER 30, 2009



TO PROTECT AND PROMOTE
THE RIGHTS OF INDIVIDUALS
WITH DISABILITIES, THROUGH
EMPOWERMENT AND ADVOCACY

Who is IPAS?

IPAS is an independent state agency separate from all other state agencies and programs. IPAS was established in 1977 in response to federal requirements for a program to advocate for the rights of individuals with developmental disabilities. Since then, more programs have been added to serve the advocacy needs of specific groups of individuals with disabilities.

The Indiana Protection and Advocacy Services Commission is here to defend the rights of citizens with different abilities and extend equal opportunity and empowerment to people with disabilities.

People with disabilities have rights under the law

Today, there are more than 54 million Americans with disabilities. A disability is a physical or mental impairment that substantially limits one or more major life activities. The U.S. Congress has determined that disabilities are a natural part of the human experience. To help ensure that no one is excluded from participating in the mainstream of society, Congress has enacted laws providing a variety of support services and programs for people with disabilities.

People with developmental or physical disabilities, and/or mental illnesses, also are protected under the laws that prohibit discrimination, abuse and neglect. Like all Americans, they have the right to live their lives as fully and independently as possible and with the freedom to make their own choices and decisions to the extent that their abilities will allow.

To see that the human, legal and civil rights of people with disabilities are affirmed, Congress established protection and advocacy (P&A) systems in each state. Indiana Protection and Advocacy Services provides advocacy for Indiana citizens. IPAS proudly serves people with disabilities, helping them exercise their right to appropriate treatment, as well as providing training and resources to ensure their inclusion in the life of our communities.

Too often, individuals with disabilities are:

- ◆ Abused or neglected by caregivers;
- ◆ Denied appropriate medical, rehabilitation, or psychiatric treatment;
- ◆ Denied free and appropriate public educational services;
- ◆ Denied physical access to public places and governmental services;
- ◆ Discriminated against when trying to obtain employment or housing;
- ◆ Denied the ability to make their own decisions and be a fully participating member of their community;
- ◆ Denied the assistive technology services or devices they need to be more independent;
- ◆ Denied the control of their private information being released without their consent;
- ◆ Denied the right to make their own choices as they prepare for employment through Vocational Rehabilitation or Ticket to Work training programs.

IPAS can help by:

- ◆ Helping you understand your rights;
- ◆ Helping you learn self-advocacy skills;
- ◆ Advising you on what steps you can take to secure your rights, such as appealing denials and filing complaints with appropriate governmental agencies;
- ◆ Representing you with an IPAS advocacy specialist or IPAS attorney to correct rights violations.

Every year, IPAS represents hundreds of Hoosiers with disabilities in securing their rights to full community participation and helps thousands more through information, referral, education and training services.

COMMISSION SERVICE RECOGNITION

IPAS would like to thank and recognize Lisa Floyd, Kristie Carter and Veronica Macy for their dedication and service as members of the Commission.

Lisa Floyd finished her five term tenure on the Commission on June 30, 2008. She was appointed to the Commission on July 1, 1993. During her tenure, she served as Chairperson of the Commission from May 16, 1996-July 1, 1998.

Kristie Carter was appointed to the Commission on January 2, 2000 and served as Chairperson from July 1, 2002-June 30, 2008. Carter remains a part of the Commission and currently serves as the Vice Chairperson.

Veronica Macy served as Vice Chairperson from July 1, 2002-June 30, 2008. Macy remains a part of the Commission.

IPAS Program Descriptions

Indiana Protection and Advocacy Services is the protection and advocacy system in Indiana. IPAS provides protection of the rights of persons with disabilities through legally based advocacy. Each of our federally funded programs has specific criteria regarding who can be served and what services IPAS may offer.

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES (PADD)	PADD was created by the Developmental Disabilities Assistance and Bill of Rights (DD) Act of 1975 for individuals who meet the federal definition of developmental disabilities. PADD requires IPAS to pursue legal, administrative, and other appropriate remedies under all applicable federal and state laws to protect and advocate for the rights of individuals with developmental disabilities. The Administration on Developmental Disabilities, Administration for Children and Families, U.S. Department of Health and Human Services, funds PADD.
PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS (PAIMI)	Established by the Protection and Advocacy for Individuals with Mental Illness Act of 1986, PAIMI seeks to protect and advocate for the rights of individuals with mental illnesses in both institutional and community settings. The PAIMI program investigates allegations of abuse, neglect, and rights violations for people with mental illnesses. The Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration and the U.S. Department of Health and Human Services administer the program.
CLIENT ASSISTANCE PROGRAM (CAP)	CAP was established as a mandatory program by the 1984 Amendments to the Rehabilitation Act for individuals seeking services from a program or project funded by the Rehabilitation Act. In Indiana, this involves Vocational Rehabilitation Services and Centers for Independent Living. CAP is administered by the Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitation Services, U.S. Department of Education.
PROTECTION AND ADVOCACY FOR ASSISTIVE TECHNOLOGY (PAAT)	Created in 1994 when Congress expanded the Technology-Related Assistance for Individuals with Disabilities Act (Tech Act), this program is for individuals with disabilities seeking assistive technology (devices or systems used to improve or maintain the capabilities of persons with disabilities). Designed to promote the provision of assistive technology devices and services through systemic reform, PAAT has the authority to negotiate compliance with federal law. Administration is by Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitation Services, and the U.S. Department of Education.
PROTECTION AND ADVOCACY FOR TRAUMATIC BRAIN INJURY (PATBI)	Created by the Traumatic Brain Injury (TBI) Act authorized as part of the Children's Health Act of 2000, this program's purpose is to expand advocacy services for individuals with traumatic brain injuries and to expand the service delivery system for this group of individuals. PATBI is administered by Health Resources and Services Administration, and the U.S. Department of Health and Human Services.

PROTECTION AND ADVOCACY FOR VOTING ACCESS (PAVA)	<p>Created in 2002 when Congress enacted the Help America Vote Act (HAVA), IPAS seeks to ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling sites. It is administered by the Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF), and the U.S. Department of Health and Human Services.</p>
PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY (PABSS)	<p>PABSS was created by the Ticket to Work™ and Work Incentive Improvement Act of 1999 for individuals with disabilities who receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) who want to work or return to work. PABSS provides advocacy for beneficiaries of Social Security who have problems obtaining, maintaining and retaining employment. It is overseen by the Social Security Administration.</p>
PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS PROGRAM (PAIR)	<p>PAIR was established by Congress as a national program under the Rehabilitation Act 1993 to protect and advocate for the legal and human rights of persons who are not eligible under the other programs—such as those with visual or hearing impairments or those with physical disabilities acquired as an adult. PAIR is administered by Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitative Services, and the U.S. Department of Education.</p>

INDIANA'S DEVELOPMENTAL DISABILITIES NETWORK

IPAS has a collaborative relationship with the Indiana Governor's Council for People with Disabilities and the Institute on Disability and Community. All three programs receive funding through the federal Administration on Developmental Disabilities.

Abuse and Neglect

Freedom from abuse and neglect is a fundamental right. One of the primary purposes of IPAS is to work toward the elimination of abuse and neglect of individuals with disabilities.

The primary role of IPAS is to review allegations of abuse and neglect on behalf of individuals with disabilities to ensure that the allegation is reported to the responsible entities and advocate that necessary actions are taken to protect the health, safety and welfare of individuals with disabilities.

Following are objectives that IPAS staff will work to complete in order to reduce abuse and neglect of individuals with disabilities:

- ◆ Monitor allegations of abuse and neglect on behalf of individuals residing in Intermediate Care Facilities (ICF-MR), or individuals receiving Medicaid waiver services to ensure that the allegation is reported to the responsible entities and advocate that necessary actions are taken to protect the health, safety and welfare of individuals with disabilities.
- ◆ Review allegations of abuse and neglect on behalf of children residing in facilities funded by the Department of Child Services.
- ◆ Review allegations of abuse or neglect of individuals residing in facilities operated or funded by the Indiana Department of Mental Health and Addiction, residing in Comprehensive Mental Health Centers and persons with a significant mental illness receiving services through the Residential Care Assistance Program (RCAP), commonly referred to as RBAs.
- ◆ Review allegations of abuse and neglect on behalf of individuals with disabilities (other than developmental disabilities or individuals experiencing mental illness) including individuals with traumatic brain injury to ensure that the allegation is reported to the responsible entities and advocate that necessary actions are taken to protect the health, safety and welfare of individuals with disabilities.
- ◆ Review allegations of abuse and neglect on behalf of individuals incarcerated in the Indiana Department of Correction prisons, county jails or juvenile detention facilities.
- ◆ Investigate selected incidents of serious occurrences of individuals residing in facilities designated as a psychiatric residential treatment facility (PRTF).
- ◆ Review allegations of inappropriate use of seclusion/restraints.
- ◆ Review allegations of abuse and neglect in jails (non Department of Correction facilities).
- ◆ Monitor Reports of Deaths to identify indications of abuse/neglect or patterns of systemic problems.
- ◆ Review internal investigations concerning the death of an individual that occurred within a mental health treatment facility.
- ◆ Represent individuals with a significant mental illness to ensure that medication or treatment complaints (other than abuse or neglect) are communicated to and fully addressed by the appropriate entity.
- ◆ Represent individuals in their appeal of reduced Developmental Disability or Aged and Disabled waiver services when the alleged reduction in services will have a serious and negative impact on the health and safety of the individual, or when the reduction of services places the individual at risk of being placed in a more restrictive setting.

Equal Access and Other Rights

Individuals with disabilities must have access to programs, services, technology, polling places, buildings and housing.

Following are objectives that IPAS staff will work to complete in order to increase access to individuals with disabilities:

- ◆ Assist individuals with disabilities in obtaining assistive technology services and devices in the areas of education, health care, employment, community living and in the use of telecommunications.
- ◆ Review allegations of discrimination on behalf of individuals who have been denied services under the ADA Title 2 and 3, or Fair Housing Act.
- ◆ Assist or represent individuals with disabilities in the grievance procedure set forth in the Indiana Help America Vote Act plan.
- ◆ Attend the Resident/Human Rights Committee meetings of the facilities operated by the Indiana Department of Mental Health and Addiction.

Special Education

Due to increased emphasis on school discipline, students with disabilities are at increased risk of termination or reduction of their educational services. Students, parents and advocates need information and support to enable them effectively to self-advocate. There are also school systems that exhibit ongoing violations of the Individuals with Disabilities Education Improvement Act and Article 7.

Following are objectives that IPAS staff will pursue in order to increase the number of special education students that receive a free and appropriate public education:

- ◆ Review allegations on behalf of students where the school, due to a proposed or instituted change of educational placement or suspension or expulsion, has or will reduce educational services and advocate for the restoration of services provided in the least restrictive environment.
- ◆ Review allegations that educational services have been inappropriately reduced on behalf of students detained in juvenile detention facilities.

Employment

Historically, individuals with disabilities have experienced a higher rate of unemployment or underemployment, which represents a significant barrier to achieving the level of independence and productivity that many people with disabilities wish to attain.

Following are objectives that IPAS staff will work to complete in order to increase the opportunity for individuals with disabilities to attain full employment:

- ◆ Investigate complaints on behalf of individuals seeking employment services regarding Vocational Rehabilitation Services and Centers for Independent Living eligibility determination.
- ◆ Investigate complaints regarding failure of Vocational Rehabilitation Services and Centers for Independent Living in providing choice to individuals seeking services under these programs.
- ◆ Monitor the quality and completeness of Individual Plan for Employment documents developed by Vocational Rehabilitation Services and Centers for Independent Living as they relate to the individual's identified vocational services and supports as well as choice(s).
- ◆ Review selected Vocational Rehabilitation Services policy to assure compliance with the Rehabilitation Act of 1973 As Amended.
- ◆ Review and investigate complaints of improper or inadequate services provided to a beneficiary by a service provider, employer or other entity involved in the beneficiary's return to work effort.

Systems Advocacy

IPAS works to improve policies or practices that do not effectively provide for the health or safety of individuals with disabilities or results in disability based discrimination:

- ◆ Provide advocacy services for individuals with disabilities that have allegedly been subjected to disability based discrimination where and when it is deemed that the case or situation may have systemic implications.
- ◆ Advocate for the adoption and implementation of rules by the Department of Education and/or each individual school system concerning the application and staff training regarding minimal standards to guide the use of restraint and/or seclusion in the schools.
- ◆ Publish a comprehensive report concerning the current practice of the use of restraint and seclusion in Children's Homes and Child Caring Institutions.
- ◆ Support the creation of a Crisis Intervention Team program in an Indiana Law Enforcement entity.

Education, Training and Outreach Efforts

Students, parents and advocates need and information and support to enable them effectively to self-advocate.

Following are objectives that IPAS staff will work to complete in order to increase awareness about disabilities rights and the exercise of those rights:

- ◆ Publish biannual IMPACT newsletter
- ◆ Develop and disseminate information regarding disability rights.
- ◆ Continue development of website as empowerment tool for individuals and families.
- ◆ Implement 5 projects targeted to outreach to minority and underserved individuals with disabilities, concerning disability rights issues, IPAS services and successes.
- ◆ Support the education and training events supported by consumer based organizations holding events for consumers to increase their awareness of disability rights.
- ◆ Disseminate information regarding disability rights and IPAS at events related to the provision of childcare for all children including children with developmental disabilities.
- ◆ Develop and disseminate transition materials to all transition aged students, aged 14 years through 22 years, in three Indiana school districts.
- ◆ Participate in events related to fair housing and housing discrimination attended by consumers, family members and/or service providers
- ◆ Increase awareness of school staff responsible for identifying students with disabilities about the characteristics of pediatric traumatic brain injury.
- ◆ Provide education and training to increase the self-advocacy skills of individuals with disabilities, their families, and other advocates to enable them to obtain assistive technology services and devices.
- ◆ Develop and distribute information concerning voter registration, access to polling places and the right to cast a vote, including information regarding the state's grievance procedure and the role of IPAS in representing individuals.
- ◆ Respond to requests for information or training material regarding Help America Vote Act.
- ◆ Respond to requests by election officials, poll workers, and election volunteers regarding the rights of voters with disabilities and best practices in working with individuals with disabilities.
- ◆ Conduct resident rights training for consumers at selected Comprehensive Mental Health Centers.
- ◆ Conduct one statewide conference regarding resident rights issues.

Information and Referral

The IPAS Commission continues to support the efforts of the staff to provide timely and accurate information about disabilities for individuals with disabilities, their families, as well as other advocates, and members of the public.

- ◆ Respond to requests for information and referral and technical assistance to individuals with developmental disabilities, their families, and professionals about disability rights and provide information and technical assistance concerning the exercise of these rights.

Administration

IPAS strives to provide high quality advocacy services that are responsive to the needs of individuals with disabilities and their families. Following are objectives IPAS staff will work to complete in order to ensure the quality of advocacy and increase awareness of disability rights and IPAS' services.

- ◆ Monitor customer satisfaction.
- ◆ Outreach to the public and to individuals with disabilities concerning disability rights issues, IPAS services and successes.
- ◆ Outreach to minority and underserved individuals with disabilities concerning disability rights issues, IPAS services and successes.
- ◆ Provide the public with opportunities to make comments and suggestions concerning IPAS' priorities.

IPAS Commission

The Indiana Protection and Advocacy Services Commission (IPAS), our governing authority, has the responsibility to assure adequate legal and advocacy services for the protection, promotion and empowerment of the rights and interests of individuals with disabilities throughout Indiana.

The IPAS Commission provides direction and advice on the agency's activities, goals and policies.

Federal law requires that the commission be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the protection and advocacy system.

Membership must include individuals with developmental disabilities who are eligible for services, have received or are receiving services, or parents, family members, guardians, advocates or authorized representatives of such individuals. In addition, the Chair of the IPAS Mental Illness Advisory Council (MIAC) automatically is a member of the IPAS Commission.

No more than one-third of the members of the commission may be appointed by the governor (42 USCA 6042). The Commission appoints the remaining nine members. Members serve three-year terms and may not serve more than five consecutive terms.

Serving on the IPAS Commission in an advisory, non-voting capacity is one member of the Indiana Senate appointed by the President Pro Tempore of the Senate, and one member of the Indiana House of Representatives appointed by the Speaker of the House of Representatives.

The MIAC advises the IPAS Commission concerning those policies and priorities that affect the rights of individuals with mental illness. The MIAC helps the IPAS Commission best meet the needs of people with mental illness eligible under the PAIMI Program. The MIAC has 10 members, appointed by the governor.

COMMISSION MEMBERS

MARY ALTER
HENDRICKS CO.

PATRICIA L. ANDERSEN*
LAKE CO.

KRISTIE M. CARTER*
VICE CHAIRPERSON
MARION CO.

SARAH EMERSON*
SECRETARY
VIGO CO.

DOUG GOEPPNER
DUBOIS CO.

VERONICA MACY*
HAMILTON CO.

GARY MAY
WARRICK CO.

MELANIE MOTSINGER
CHAIRPERSON
ALLEN CO.

KATHY OSBORN
MARION CO.

WILLIAM RIGGS, PHD
HANCOCK CO.

ALAN SPAULDING
BLACKFORD CO.

ADVISORY MEMBERS

ROBERT JACKMAN DVM
SENATOR
DECATUR/FAYETTE/FRANKLIN/RUSH/
SHELBY CO.

JOHN J. DAY
REPRESENTATIVE
MARION CO.

IPAS MENTAL ILLNESS ADVISORY COUNCIL

RONDA AMES*
MARION CO.

SANDRA CURRIE*
MARION CO.

MISTY HOLLIS*
WAYNE CO.

JANE HORN*
WAYNE CO.

NANCY SLATER*
HAMILTON CO.

LYNDA SNIDER*
PORTER CO.

LARRY WIESENHAUER*
MADISON CO.

DONNA YANCEY*
HAMILTON CO.

* Gubernatorial Appointments

EXECUTIVE STAFF

THOMAS GALLAGHER
EXECUTIVE DIRECTOR

KAREN DAVIS
CLIENT SERVICES DIRECTOR

GARY RICHTER
SUPPORT SERVICES DIRECTOR

SUPPORT SERVICES

CHRIS HELMS
RECEPTION

ANTHONY LIGGINS
DATA ENTRY CLERK

ELIZABETH NAJAR
PROGRAM SPECIALIST

KAREN PEDEVILLA
EDUCATION AND TRAINING DIRECTOR

SONDRA POE
ADMINISTRATIVE SECRETARY

DORIS THOMPSON-WILSON
ACCOUNT CLERK

JUDITH I. WADE
FISCAL OFFICER

CLIENT AND LEGAL SERVICES

DEBRA DIAL
ATTORNEY/PAIR PROGRAM
COORDINATOR

GARY RICKS
ATTORNEY/PAAT PROGRAM
COORDINATOR

DAVID SMITH
ATTORNEY/PAVA PROGRAM
COORDINATOR

SUE BEECHER
ASSISTANT DIRECTOR OF
CLIENT SERVICES
PABSS/CAP/PATBI PROGRAM
COORDINATOR

DAVID BOES

ASSISTANT DIRECTOR OF
CLIENT SERVICES
PAIMI PROGRAM COORDINATOR

DEE ENRICO-JANIK
ASSISTANT DIRECTOR OF
CLIENT SERVICES
PADD PROGRAM DIRECTOR

DONNA DELLINGER
ADVOCACY SPECIALIST

DEBBIE DULLA
ADVOCACY SPECIALIST

TINA FRAYER
ADVOCACY SPECIALIST

CANDACE FEGLEY
ADVOCACY SPECIALIST

ALLYSON HAMMONDS
ADVOCACY SPECIALIST

BONNIE VANDERGRIFT
ADVOCACY SPECIALIST

PEGGY OWENS
ADVOCACY SPECIALIST

AMY J. PENROD-SPICER
ADVOCACY SPECIALIST

LOLITA THOMPSON
ADVOCACY SPECIALIST

SHERYL WALKER
ADVOCACY SPECIALIST

DANIEL WARD
ADVOCACY SPECIALIST

BONNIE WEAVER
ADVOCACY SPECIALIST

TERRY WHITEMAN
ADVOCACY SPECIALIST

CATHY WINGARD
ADVOCACY SPECIALIST

MEMBER RECRUITMENT

IPAS is always looking for new Commission and Advisory Council members to help serve the needs of individuals with disabilities. Commission members must have a commitment to promoting the legal and civil rights of people with developmental disabilities, mental illness or other disabilities, and to the cause of protecting and promoting those individuals' rights to make their own choices.

The IPAS Commission consists of 13 members. The governor appoints four, and the remainder are placed by a majority vote of the membership. Commission members serve three-year terms. For more information, contact 800.622.4845 or TTY: 800.838.1131.

Indiana Protection and Advocacy Services

c/o Karen Pedevilla

4701 N. Keystone Avenue

Ste. 222

Indianapolis, IN 46205

LAST CHANCE! IF YOU WANT TO CONTINUE RECEIVING THE IMPACT AND HAVE NOT YET RESPONDED, PLEASE MAIL IN THIS CARD.

Name		
Street	Apt /Ste	
City	State	Zip
<input type="checkbox"/> Send me the IMPACT via email. <input type="checkbox"/> Send me a paper copy of the IMPACT.		
My email address is:		
I am interested in learning about the following topics (check interest areas):		
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Special Education	<input type="checkbox"/> Equal Access <input type="checkbox"/> Employment
<input type="checkbox"/> Abuse and Neglect	<input type="checkbox"/> Treatment Rights	<input type="checkbox"/> Other Rights Issues _____



**TO PROTECT
AND PROMOTE
THE RIGHTS OF
INDIVIDUALS WITH
DISABILITIES,
THROUGH
EMPOWERMENT
AND ADVOCACY**

IMPACT

This publication was made possible by funding support from the Administration for Children and Families (50%), the Center for Mental Health Services, Substance Abuse and Mental Health Services Administration (22%), the Health Resources and Services Administration, Maternal and Child Health Bureau (2%), all within the U.S. Department of Health and Human Services and from the U.S. Department of Education, Office of Special Education and Rehabilitation Services (22%), and the Social Security Administration (4%).

These contents are solely the responsibility of the grantee and do not necessarily represent the official views of state or federal government.

FOR MORE INFORMATION

**4701 N KEYSTONE AVE #222
INDIANAPOLIS IN 46205**

PHONE 317.722.5555

STATEWIDE TOLL-FREE 800.622.4845

TTY 800.838-1131 OR 317.722.5563

FAX 317.722-5564

**FOR ADDITIONAL COPIES OF THIS PUBLICATION,
PLEASE VISIT OUR WEB SITE**

WWW.IN.GOV/IPAS



4701 N KEYSTONE AVE #222 INDIANAPOLIS IN 46205